

04/19/01  
11052 U.S. PTO

04-19-01

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. MA-43CDF2D3

First Inventor Jewel Payne

Title Novel Bacillus thuringiensis Isolate Active Against Lepidopteran Pests, and Genes Encoding Novel Lepidopteran-Active Toxins

Express Mail Label No. EK507534706US

APPLICATION ELEMENTS	
See MPEP chapter 600 concerning utility patent application contents.	

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 26]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 1 ]
5. Oath or Declaration [ Total Pages 2 ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

- |   |  |
|---|--|
| ACCOMPANYING APPLICATION PARTS          |  |
| 9. <input type="checkbox"/>             | Assignment Papers (cover sheet & document(s))  |
| 10. <input type="checkbox"/>            | 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i> |
| 11. <input type="checkbox"/>            | English Translation Document (if applicable)   |
| 12. <input type="checkbox"/>            | Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations                     |
| 13. <input type="checkbox"/>            | Preliminary Amendment  |
| 14. <input checked="" type="checkbox"/> | Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                                       |
| 15. <input type="checkbox"/>            | Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i>                                    |
| 16. <input type="checkbox"/>            | Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.  |
| 17. <input checked="" type="checkbox"/> | Other: Assignee Information  |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP)

of prior application No. 09 / 521,344

Prior application information

Examiner G. Bugasky

Group Art Unit: 1653

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label			or	<input type="checkbox"/> Correspondence address below
Name	23557			
PATENT TRADEMARK OFFICE				
Address				
City		State		Zip Code
Country		Telephone		Fax

Name (Print/Type)	Jay M. Sanders	Registration No. (Attorney/Agent)	39,355
Signature			
Date	April 19, 2001		

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 764.00)

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Jewel Payne
Examiner Name	
Group Art Unit	
Attorney Docket No.	MA-43CDF2D3

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number 19-0065

Deposit Account Name Saliwanchik, Lloyd &amp; Saliwanchik

 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status See 37 CFR 1.272.  Payment Enclosed:
 Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	710.00
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	

SUBTOTAL (1) (\$ 710.00)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	x 18	= 54.00
Independent Claims 3	- 3** = 0	x 80	= .00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 54.00)

\*for number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

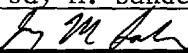
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	390	216 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR 1.17(q)	
126	180	126 180 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Complete if applicable

Name (Print/Type)	Jay M. Sanders	Registration No. (Attorney/Agent)	39,355	Telephone	(352) 375-8100
Signature		Date	April 19, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT APPLICATION  
Docket No. MA-43CDF2D3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jewel Payne, August J. Sick  
Serial No. : Not Yet Assigned  
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests, and Genes Encoding Novel Lepidopteran-Active Toxins

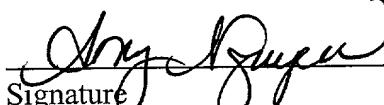
Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)

Express Mail No.: EK507534706US Date of Deposit: April 19, 2001

I hereby certify that the items listed on the attached Utility Patent Application Transmittal form are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to: Box PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.

Amy Nguyen  
Name of person mailing paper

  
Signature